

# **PARLIAMENTARY OVERSIGHT IN THE AREA OF SECURITY AND DEFENCE**

**The 2009/2010 comparison of institutional framework, activities and transparency**

This publication has been made with the support of the European Union. The sole responsibility for the contents of the present publication rests with the Network for Affirmation of Non-Governmental Sector – MANS and the views presented herein may not be regarded as the views of the European Union.

In preparation of this analysis, we have benefited from the advice and assistance by:

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- *Željko Grubešić and Jovica Katić, Parliament of Bosnia and Herzegovina*
- *Dragana Jelić, National Assembly of the Republic of Serbia*
- *Driton Selmanaj, Office of the Kosovo Democratic Institute*

We also express our gratitude to all others who contributed to the preparation of the present report.

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## 1. INTRODUCTION

This analysis contains the data on institutional regulation of parliamentary oversight over the security and defence sectors in seven countries of the region: Montenegro, Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Macedonia and Kosovo. The analysis shows that it is only the parliaments of Montenegro and Serbia with one committee only for the oversight of the whole sector, while the greatest number of bodies exist in Macedonia, Bosnia and Herzegovina, and Kosovo, three in each.

This booklet features information on the work of all relevant bodies in eight parliaments dealing with the oversight of the security and defence sectors in 2009 and 2010. The data indicate that all the working bodies of the parliaments in the region had numerous activities over these two years, but in the case of the Slovenian bodies we were unable to obtain the data on the account of the linguistic barrier.

The last chapter features information on types of data parliamentary committees dealing with the security and defence sectors publicise proactively on their respective websites.

The aim of the publication is to facilitate the Montenegrin Parliament in improving its work, its competences and activities in overseeing the security and defence sectors by being acquainted with the best practices in the region that could be of benefit for Montenegro.

## 2. SUMMARY AND RECOMMENDATIONS FOR IMPROVEMENT

The analysis shows that only Montenegro and Serbia, out of all the countries in the region, have one parliamentary body each dealing with security and defence matters. However, with a view of stepping up its oversight function, the National Assembly of Serbia has adopted the new Rules of Procedure envisaging two such committees<sup>1</sup>.

Most of such committees region-wide are chaired by independent or MPs from the ranks of the opposition, while in Slovenia they also hold the decision-making majority. In Croatia, independent experts are also members of committees.

The greatest scope of competences is enjoyed by the respective committees in Bosnia and Herzegovina, and in Serbia, while in the case of Kosovo such competences are of narrowest scope. Among other competences, the relevant bodies in Croatia, BiH and Serbia consider civil petitions, while the BiH Parliamentary Assembly also scrutinises the work of security services regarding the protection of secret data. All the countries covered, with a notable exception of Montenegro, monitor the implementation of strategies and action plans in the area of defence, security, and anticorruption and organised crime.

The Parliamentary Assembly of BiH posts on its website the reports and minutes of committee sessions, as well as the Kosovo Parliament, while Slovenia and Macedonia have the best practice in the region of publishing transcripts from committee sessions.

Comparative experiences show significant room for improvement in the scope of competences and practices of the Montenegrin Defence and Security Committee:

*Recommendations for amending the Committee competences:*

- Split the existing Defence and Security Committee into two bodies – the Defence Committee and the Committee for Security and In-

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<sup>1</sup> These amendments will enter into force in Serbia after the next parliamentary elections.

telligence Affairs; the Defence Committee would deal with all the relevant matters in the area of defence, the Ministry of Defence, scrutiny of the Army of Montenegro and NATO-related matters, while the other committee would be dealing with the legislative and oversight aspects of intelligence and security services.

- Make sure, by way of amendments to the existing legislative framework or the agreement among the political parties, that the committees overseeing the security and defence sectors are chaired by opposition MPs to enable unobstructed and regular scrutiny in this area.

- By way of amendments to the existing legislative framework, extend the scope of competences of the bodies overseeing the security and defence sectors to cover monitoring of the implementation of all relevant strategies and action plans, as well as consideration and actions as per petitions and complaints of citizens.

- Consider the possibility of involving independent experts in the work of the committees, either as standing members or occasional contributors to discussions.

*Recommendations for increasing the transparency in the work of the Committee:*

- Introduce the practice of making transcripts of Committee sessions and posting such transcripts from the open sessions on the Parliament's website;

- Publish all reports for committee sessions open to the public, and compile and publish special reports from sessions closed for the public, containing basic information, including the data on session duration, MPs in attendance and conclusions and recommendations made.

### **3. OVERVIEW OF PARLIAMENTARY BODIES OVERSEEING THE SECURITY AND DEFENCE SECTOR IN THE REGION**

Among the seven countries covered by the analysis, Macedonia and Kosovo have the largest number of committees relevant for the area of security and defence, while the fewest, one each, exist in the parliaments of Montenegro and Serbia.

In Slovenia and Croatia all the parliamentary bodies dealing with security and defence are chaired by opposition MPs, while in the case of three countries, BiH, Macedonia and Kosovo, some bodies are chaired by the MPs from the ranks of the opposition, some from the ruling parties. In Montenegro and Serbia, governing parties chair the relevant committees. The solution in Croatia is particularly interesting, where one committee, in addition to MPs, is composed also of researchers and experts as standing members to improve the work of the body.

Nevertheless, it is only in case of Slovenia and Kosovo that the Rules of Procedure, or the pertinent law, stipulate that such committees are to be chaired by opposition MPs, while in other countries it is a matter of agreement among the political parties. In the Slovenian case, there is also one peculiarity in this respect; in one of such bodies, in addition to the chair, majority of constituting MPs come from the ranks of the opposition in order for the oversight not to depend on the will of the parliamentary majority.



Country	Parliamentary body	Members			Chair	
		Governing	Opposition	Other	Opposition MP	Set in the Rules of Procedure / law
<b>Montenegro</b>	Security and Defence Committee	8	5	/	NO	NO
<b>Serbia</b>	Committee on Defence and Security	9	8	/	NO	NO
<b>Croatia</b>	Domestic Policy and National Security Committee	7	6	/	YES	NO
	Defence Committee	7	6	6*	YES	NO
<b>Slovenia</b>	Committee for Oversight of Intelligence and Security Services	3	4	/	YES	YES
	Defence and Security Committee	6	5	/	YES	NO
<b>Bosnia and Herzegovina</b>	Joint Committee for Defence and Security of BiH	9	3	/	NO	NO
	Joint Committee on Oversight over the Intelligence-Security Agency of BiH	10	2	/	NO	NO
	Security Committee of Republika Srpska	4	3	/	YES	NO
<b>Macedonia</b>	Committee on Defence and Security	10	4	/	NO	NO
	Committee for Supervising the Work of the Security and Counterintelligence Directorate and the Intelligence Agency	6	2	1**	Independent MP	NO
	Committee for the Supervision of the Application of Communication Interception Techniques by the Ministry of Interior and the Ministry of Defence	2	3	1**	YES	NO
	Committee on Internal Affairs and Security	6	3	/	NO	NO
<b>Kosovo</b>	Oversight Committee for Security Forces of Kosovo	5	4	/	YES	YES
	Oversight Committee for Kosovo Intelligence Agency	5	4	/	NO	NO

\* Members include public figures; researchers and experts dealing with defence and protection matters who are not MPs

\*\* Independent MP

Table 1: Parliamentary committees for scrutiny of the security and defence sectors in the region

#### 4. COMPOSITION OF PARLIAMENTARY BODIES OVERSEEING THE SECURITY AND DEFENCE SECTOR

As shown in Table 1 above, working bodies dealing with security and defence from the countries in the region differ in their composition, in the number of members, and whether being chaired by a governing coalition MP, an opposition MP or an independent member.

The Defence Committee of the Parliament of Croatia and the Committee on Defence and Security of the National Assembly of Serbia have the greatest number of members, while one of the bodies of the Macedonian Parliament, the Committee for the Supervision of the Application of Communication Interception Techniques by the Ministry of Interior and the Ministry of Defence has the fewest members, six only.

The analysis shows that the best solutions regarding the composition and chairing of the relevant parliamentary bodies in the area of security and defence exist in Slovenia and Croatia. On the other hand, it is only in Montenegro and Serbia that the governing majority holds the “monopoly” over the scrutiny in these sectors, because in both cases the chair and the decision-making majority come from the ranks of the government MPs.

##### *Montenegro*

The Defence and Security Committee has the total of thirteen members, eight from the governing coalition, and five from the opposition. The Committee is chaired by an MP from the ranks of the governing coalition<sup>2</sup>, which is not expressly stipulated in the Rules of Procedure.

##### *Serbia*

The Committee on Defence and Security has the total of seventeen members<sup>3</sup>, nine from the governing parties, and eight from the opposi-

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<sup>2</sup> Mevludin Nuhodžić from the Democratic Party of Socialists.

<sup>3</sup> Meanwhile, the membership has increased to 24, although the provisions of the Rules of Procedure currently in effect envisage only 17 members of the Committee on Defence and Security. The new Rules of Procedure of the National Assembly of Serbia, whose provisions on parliamentary bodies are to be applied as of the next composition of the parliament, envisage the separation of the existing committee into two - the Defence and Internal Affairs Committee and the Committee for Oversight of Security Services.

tion. The Committee is chaired by a governing coalition MP<sup>4</sup>, although it is not expressly envisaged so by the Rules of Procedure.

### *Croatia*

In the Croatian Parliament there are two bodies dealing with security and defence.

The Domestic Policy and National Security Committee has thirteen members, seven from the governing coalition and six from the opposition, and it is chaired by an opposition MP<sup>5</sup>. The Rules of Procedure do not envisage whether the committee is to be chaired by the MP from the ranks of the government or opposition.

The second relevant body in the Croatian Parliament, the Defence Committee, has thirteen members, seven from the governing coalition, and six from the opposition, but it also has six additional members from among the public figures, researchers and experts dealing with defence matters. This committee is also chaired by an opposition MP<sup>6</sup>. As in the previous example, the Rules of Procedure do not envisage whether the committee is to be chaired by the MP from the ranks of the government or opposition.

### *Slovenia*

The National Assembly of Slovenia has two bodies dealing with security and defence.

The Committee for Supervision of Intelligence and Security Services has the total of seven members, four from among the opposition MPs, and three from the governing coalition. As laid down in the Rules of Procedure, this body is chaired by an opposition MP<sup>7</sup>, and holds the majority from the ranks of the opposition<sup>8</sup>.

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<sup>4</sup> Dušan Bajatović from the Socialist Party of Serbia.

<sup>5</sup> Ranko Ostojić from the Social Democratic Party.

<sup>6</sup> Boris Šprem from the Social Democratic Party.

<sup>7</sup> Zvonko Černač from the Slovenian Democratic Party.

<sup>8</sup> Article 33 paragraph 3 of the Rules of Procedure of the National Assembly of Slovenia envisages "The leading positions and the majority of the seats on the Commission for Public Finance Control and on the Commission for Supervision of the Intelligence and Security Services are held by deputies of opposition deputy groups."

The Defence Committee has eleven members, six from the government, and five from the opposition. It is chaired by an opposition MP<sup>9</sup>, although not expressly envisaged so by the Rules of Procedure.

### *Bosnia and Herzegovina*

The Parliamentary Assembly has two bodies dealing with security matters, jointly composed of the respective members of the House of Representatives and the House of Peoples, and thus their composition is quite specific as compared to other countries in the region. The National Assembly of Republika Srpska has one body dealing with the matters of security and defence.

The Joint Committee on Defence and Security has 12 members. Given that BiH parliament is bicameral, six members come from the House of Representatives and six from the House of Peoples. Among all committee members, 2/3 of them, or eight members are elected among the MPs and deputies coming from the territory of the Federation of BiH, and one third, or four members in total are elected from the territory of Republika Srpska. The Committee chair has two deputies<sup>10</sup>, provided that the first deputy may not be from the same House as the chair. This body is chaired by an MP from the governing parties<sup>11</sup>. The Committee is currently composed of nine MPs from the ranks of the government, and three from opposition.

The Joint Committee on Oversight over the Intelligence-Security Agency of BiH is composed of 12 members, and its chair is an opposition MP<sup>12</sup>, as stipulated in the Law on Intelligence-Security Agency of BiH. This body has 10 members from the ranks of the government, and only two from the opposition.

The Assembly of Republika Srpska has one body dealing with security matters, the Security Committee. The Committee has seven members, four from the ranks of the government coalition, and three from the

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<sup>9</sup> Jožef Jerovšek from the Slovenian Democratic Party.

<sup>10</sup> The chair and his deputies represent different constitutional nations of BiH.

<sup>11</sup> Branko Zrno from the Croatian Democratic Union BiH.

<sup>12</sup> Mirko Okolić from the Serbian Democratic Party.

opposition. The Rules of Procedure do not stipulate whether the Committee should be chaired by an MP from the governing coalition or the opposition, but currently this office is held by an opposition MP<sup>13</sup>.

### *Macedonia*

The Macedonian Parliament has three bodies dealing with security and defence.

The Committee on Defence and Security has fourteen members, ten of them from the government, and four from the opposition. The chair comes from the governing party<sup>14</sup>.

The Committee for Supervising the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency has nine members, six from the governing coalition, and three from the opposition. This Committee is chaired by an independent MP<sup>15</sup>.

The Committee for the Application of Communication Interception Techniques by the Ministry of Interior and the Ministry of Defence has five members, three from the opposition, two from the government, and one independent MP. The Committee is chaired by an opposition MP<sup>16</sup>.

### *Kosovo*

In the Parliament of Kosovo<sup>17</sup> there are also three bodies dealing with the security and defence sectors. Each of the three bodies of the Kosovo Parliament has nine members.

The Committee on Internal Affairs and Security has six members from the governing coalition, and three from the opposition. This body is chaired by an opposition from the governing parties<sup>18</sup>.

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<sup>13</sup> Nenad Stavandić from the Serbian Democratic Party.

<sup>14</sup> Vladimir Đorčev from the Democratic Party for Macedonian National Unity (VMRO-DPMNE).

<sup>15</sup> Besim Dogani, not a member of any MP Club.

<sup>16</sup> Goran Minčev from the Social Democratic Union of Macedonians.

<sup>17</sup> The data provided refer to the previous Parliament in office until 3 November 2010, given that the bodies of the new Parliament are yet being established.

<sup>18</sup> Rustem Mustafa from the Democratic Party of Kosovo (PDK).

The Oversight Committee for Kosovo Intelligence Agency consists of five members from the ranks of the government, and four from the opposition. Since the Law on Kosovo Intelligence Agency envisages that the parliamentary body may not be chaired by a person coming from the governing party or coalition, the Committee is chaired by an MP from the ranks of the opposition<sup>19</sup>.

The Committee for Supervision of the Kosovo Security Force has five members from the government, and four from the opposition, while it is chaired by an MP from the ranks of the government<sup>20</sup>.

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<sup>19</sup> Gani Geci from the Democratic League of Dardania (LDD).

<sup>20</sup> Berim Ramosaj from the Democratic League of Dardania (LDK).

## **5. COMPETENCES OF PARLIAMENTARY BODIES OVERSEEING THE SECURITY AND DEFENCE SECTOR**

The widest scope of competencies in scrutinising the security and defence sectors is enjoyed by the parliamentary bodies in Bosnia and Herzegovina, Serbia and Croatia.

In the cases of Slovenia and Macedonia, there is not enough information available of all the competences of their respective parliamentary bodies. Still, the Parliament of Macedonia is the only one in the region having two bodies scrutinizing security services and secret surveillance measures they apply.

In order to exercise better oversight in the security sector, the Parliament of Serbia amended its Rules of Procedure to envisage the establishment of two working bodies for scrutiny of the security sector services, thus increasing the scope of competences of the Parliament itself in this area. Nevertheless, the new provisions will only come into effect following the next parliamentary elections in Serbia.

The comparative analysis shows that the Montenegrin parliamentary body also has a wide range of competences, but there is also room for improvement, especially concerning civil petitions and monitoring the implementation of existing strategies and action plans pertaining to its mandate.

Competences of parliamentary bodies	Country						
	Montenegro	Serbia	Croatia	Slovenia	BiH	Macedonia	Kosovo
Deliberation of laws	YES	YES	YES	YES	YES	YES	YES
Deliberation of strategies and action plans	YES	YES	YES	**	YES	**	YES
Monitoring the implementation of strategies and action plans	NO	YES	YES	**	YES	**	YES
Deliberation of reports by authorities	YES	YES	YES	**	YES	YES	YES
Deliberation of budgets of relevant authorities	YES	YES	**	**	YES	**	YES
Monitoring the legalities of financial operation	YES	YES***	YES	**	NO	YES	YES
Hearings of officials and other control mechanisms	YES	YES	YES	YES	YES	YES	YES
Direct supervision through visits	YES	YES	**	YES	YES	**	**
Monitoring weapons production and trade	NO	YES***	**	**	YES	YES	NO
Giving opinions on appointment of officials	YES	**	YES	**	YES	**	NO
Reporting to the Parliament of its activities	YES	YES***	**	YES	YES	YES	YES
Deliberation of civic petitions	NO*	YES	YES	**	YES	**	**
Scrutiny over the protection of secret data	NO	NO	NO	**	YES	**	NO
International cooperation and agreements	YES	YES	YES	YES	YES	YES	YES
Civil protection matters	YES	YES***	YES	YES	NO	YES	NO
Nationality and civic status issues	NO	YES***	YES	**	NO	NO	NO
Scrutiny of overstepping of duties by police and security services	YES	YES***	YES	**	YES	YES	YES

\* There is a possibility for considering civic petitions, but the Montenegrin Committee took the stand of not doing so

\*\* No data available

\*\*\* After the new Rules of Procedure come into effect

Table 2: Competences of parliamentary bodies for scrutiny over the security and defence sectors



## *Montenegro*

The Security and Defence Committee of the Parliament of Montenegro was established by the Rules of Procedure as a standing body and the only one dealing with the security and defence sectors. In the exercise of its authorities, the Committee abides by the Constitution, the Police Law, the Law on National Security Agency, the Law on Parliamentary Oversight in the Area of Security and Defence<sup>21</sup>, and parliamentary Rules of Procedure. Hence, many sessions of the Security and Defence Committee are closed for the public, and many a document designated as classified<sup>22</sup>.

The Committee competence include the deliberation of laws in the area of security and defence and monitoring the work of state authorities in this sector. This body has within its competences the function of parliamentary oversight of the police and the National Security Agency (NSA), as well as to monitor the observance of human rights and freedoms in the exercise of the police and the NSA authorities.

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<sup>21</sup> Adopted on 22 December 2010; previously, the Committee operated solely based on the Rules of Procedure and the above mentioned legislative framework. The Committee competences are laid down in Article 7 of the Law, envisaging that in the exercise of the parliamentary oversight, the Committee shall: 1) monitor the activities of bodies and institutions in the area of security and defence in Montenegro aiming to assess the implementation of the set policies in this sector and may ask to be provided with information concerning the activities and measures undertaken on any specific matter from within their scope of activities; 2) perform supervision over the observance of political, ideological and interest neutrality in the work of bodies and institutions referred to in Article 3 paragraph 1 of this Law; 3) consider the annual activity reports of the Ministry of Defence and the Army of Montenegro, the National Security Agency, Police Directorate and the Ministry of Interior and Public Administration, submitted to the Committee by the end of the first quarter of the current year for the previous year; 4) consider specific reports of bodies and institutions referred to in Article 3 paragraph 1 of this Law; 5) deliberate drafts of national security strategy and defence strategy and give its opinion; 6) deliberate draft laws, other pieces of legislation and general acts in the area of security and defence; 7) consider reports on the engagement of the members of the Army of Montenegro in international forces and participation of the members of civil protection, police and employees in state administration bodies to peace-keeping missions and other activities abroad; 8) consider reports on the use of secret surveillance measures by the bodies and institutions referred to in Article 3 paragraph 1 of this Law temporarily restricting the rights and freedoms guaranteed by the Constitution; 9) consider information on budget execution referring to the funds appropriated for the work of the bodies and institutions referred to in Article 3 paragraph 1 of this Law, not less than once a year; 10) consider the information on the engagement of the bodies and institutions referred to in Article 3 paragraph 1 of this Law in extending assistance to other bodies with the aim of proper response to natural disasters, technical, technological and environmental accidents and epidemics, as well as terrorism-induced crises; 11) consider the State Audit Institution report on financial performance of the bodies and institutions referred to in Article 3 paragraph 1 of this Law, take stances and monitor the activities of competent authorities as per such reports; 12) give opinions, proposals and suggestions while drafting the Budget Law in the section pertaining to security and defence sectors; 13) consider nominees for leading positions in the security and defence sectors where Parliament's opinion is envisaged by the specific law; 14) deliberate the information and initiatives pertaining to the activities and documents in the security and defence sectors; 15) organise and conduct consultative and control hearings and initiate launching parliamentary investigation; 16) perform consultative hearings of military diplomatic representatives of Montenegro before assuming office; 17) perform other tasks stipulated in Law.

<sup>22</sup> In terms with the law, documents may be designated as: top secret, secret, confidential and for internal use.

In addition, the Committee considers draft laws and other pieces of legislation pertaining to the security and safety of the state of Montenegro and its citizens.

The Security and Defence Committee provides its opinion to the Parliament on the nominees for the posts of the Police Director and the NSA Director.

The Committee also considers the annual reports submitted by these bodies, as well as periodic reports, if requested by the Committee. This parliamentary body considers reports submitted by the Ministry of Defence related to the Army.

In order to secure better scrutiny in the area of security and defence, the Parliament drafted and in December 2010 eventually adopted the Law on Parliamentary Oversight in the Area of Security and Defence<sup>23</sup>. This Law envisages the Security and Defence Committee to oversee the Ministry of Defence, the Ministry of Interior, the Army of Montenegro, the Police Directorate, the National Security Agency (NSA) and other institutions and bodies dealing with security and defence matters using the mechanisms envisaged by the parliamentary Rules of Procedure. It stipulates, moreover, in which cases and in what manner the parliamentary oversight is done, envisaging also the sanctions for responsible persons in the institution or body failing to furnish the Committee with requested information or failing to do so it within the time envisaged.

### *Serbia*

Similarly to the situation in Montenegro, in Serbia there is only one body dealing with the security sector, the Committee on Defence and Security. Nevertheless, the specific feature about Serbia is that in 2010 the National Assembly adopted the new Rules of Procedure, whose

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<sup>23</sup> In 2008 the Parliament of Montenegro suggested the adoption of the Law on Parliamentary Oversight in the Area of Security and Defense, which was withdrawn from the pipeline and returned for redrafting at the proposal of the Committee for Constitutional Matters and Legislation and the Government of Montenegro. It was not known by the public then why the draft was withdrawn. Following the withdrawal, the drafting group continued working on the text of the Law, and in December 2010, the Law on Parliamentary Oversight was adopted in the Parliament stating that some proposals received from NGOs, MANS and Institut Alternativa, were taken into account.

provisions enter into effect after the next parliamentary elections, and which envisage two parliamentary bodies in the area of security.

The Committee for Defence and Security deliberates the legislation in the area of security and defence, and performs oversight over the services in this area. The old Rules set forth as the competences of this Committee the consideration of draft laws and other pieces of legislation pertinent to public and state security, as well as the activity report of the Ministry of Interior and General Security.

The new rules<sup>24</sup> envisage the Committee for Security and Internal Affairs to consider bills and proposals of other general acts on conscription, labour and material obligations, mobilisation, state of emergency and state of war, status and other issues of professional personnel in the Serbian Armed Forces, military education system, international co-operation in the area of defence and military cooperation; maintaining public law and order, public gatherings; road traffic safety; security of national borders and border control, as well as the control of movement and stay in border zones; residence of foreign nationals; trade and transport of weapons, ammunition, explosive and other hazardous materials from the scope of work of the ministry in charge of internal affairs; fire protection; citizenship; citizen's unique personal identification number; temporary and permanent residence of citizens; personal ID cards of citizens; travel documents; international assistance and other forms of international co-operation in the area of internal affairs, including re-admission; illegal migrations and asylum. The Rules of Procedure of the National Assembly of Serbia entrust the Committee for Security and Internal Affairs with a wide range of competences; thus, in addition to the above, the Committee for Security and Internal Affairs is also competent for national security and defence strategies and other matters pertaining to the Armed Forces of Serbia, including the proposal and scrutiny over spending of the Army Budget.

In addition to the Committee for Security and Internal Affairs, the Rules of Procedure<sup>25</sup> envisage the establishment of yet another parliamentary body in the area of security, the Committee for Oversight of Security

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<sup>24</sup> Article 49 of the Rules of Procedure

<sup>25</sup> Article 66 of the Rules of Procedure

Services. This body shall oversee: compliance with the Constitution and laws in the work of the security services, alignment of the work of security services with the defence strategy and security policy of the Republic of Serbia, observance of political, interest and ideological neutrality of the security services, lawfulness of covert data gathering, and proposal and actual spending of budget appropriations for security services. In addition, this Committee will submit and consider draft laws and other acts from the scope of authorities of such services, the proposals, petitions and submissions coming from citizens related to the work of security services and propose measures for addressing them. The Committee will also establish facts concerning the irregularities in the actions of security services and pass conclusions thereon, and report to the National Assembly of its conclusions and proposals.

### *Croatia*

The Croatian Parliament has two bodies dealing with security and defence matters, the Domestic Policy and National Security, and the Defence Committee.

The Parliament's Rules of Procedure set within the scope competence of the Domestic Policy and National Security Committee the tasks referring to establishing and monitoring the implementation of domestic policy. The Committee's purview includes the tasks of state administrative bodies in the field of domestic policy and security, citizenship and the personal status of citizens, state and public security, oversight of the legality of the work of the National Security Office and the Constitutional Order Protection Agency, particularly with a view to the fulfilment of the Constitution of the Republic of Croatia and legally-established human rights and fundamental freedoms, opinions on the appointment of directors of security and internal affairs agencies, as well as other matters of internal policy and national security.

The Defence Committee is in charge of legal order and scope of activities of state administrative bodies in the field of defence, then the defence and protection, cooperation with bodies in the Republic of Croatia that operate in the fields of defence and protection, and other matters of defence and protection. The Defence Committee considers the matters pertaining to cooperation with the North Atlantic Treaty Organi-

sation (NATO) and NATO members, particularly regarding exchange of information and documents to defence purposes.

### *Slovenia*

The Slovenian Parliament has two bodies dealing with security and defence matters. Thus, this Parliament has the Commission for Supervision of the Intelligence and Security Services, and the Defence Committee.

The Commission for Supervision of the Intelligence and Security Services supervises the activities of the intelligence and security service within the Government and of the intelligence and security service within the ministry responsible for defence, and the compliance of such activities with the national security policy of the Republic of Slovenia and Government guidelines. The Commission supervises the application of legally provided special forms, methods, and measures for data gathering used by the intelligence and security services, and by the security services within the line ministry. The Commission for Supervision of the Intelligence and Security Services reports to the National Assembly once a year.

The Defence Committee of the Parliament of Slovenia considers law proposals and other acts pertaining to the security system, natural and other disasters, as well as other matters from the purview of the Slovenian Ministry of Defence. It should be stressed that this Committee considers the EU related matters pertaining to the area of security and defence.

### *Bosnia and Herzegovina*

Given that Parliamentary Assembly of Bosnia and Herzegovina is bicameral, it has two joint bodies dealing with security and defence matters: the Joint Committee for Defence and Security of BiH, and the Joint Committee on Oversight over the Intelligence-Security Agency of BiH. In addition to these two, in Republika Srpska there is also one body dealing with the matters of security, the Committee for Security.

The Joint Committee for Defence and Security of BiH oversees the implementation of defence and security policy of BiH, monitors the work

and considers reports of the Standing Committee for Military Matters, the BiH Defence Ministry, the Ministry for Security of BiH and other executive bodies dealing with defence and security issues, and informs the Parliamentary Assembly of BiH, with special reference to reports, short-term and long-term plans regarding the structure of the BiH Armed Forces, human resources policy and recruitment, salaries and allowances, education and training of personnel, professional conduct and standards of ethics for civilian and military staff, equipment of the army, military industry, purchase of equipment and import and export of weapons and military equipment, material assistance and contracts with foreign companies offering commercial services to defence institutions, combat readiness, military exercises operations, including meeting international commitments and international peace support operations, considers laws and amendments to laws within the purview of the Committee, considers and gives opinions and recommendations, amendments to the draft defence budget, considers defence budget execution reports, as well as audit reports of institutions in the area of defence and security policy of BiH.

The competences of the Joint Committee on Oversight over the Intelligence-Security Agency of BiH are laid down by the Law on Intelligence-Security Agency of Bosnia and Herzegovina, Law on Protection of Secret Data and the respective Rules of Procedure of the two Houses of Parliamentary Assembly of Bosnia and Herzegovina. The Committee oversees the legality of work of ISA BiH; discusses appointment of managing director, deputy and chief inspector; considers reports by the Chairman of the BiH Council of Ministers on the issues falling within its competence, including measures undertaken with the aim of tackling all problems in ISA BiH identified during the execution of inspection control, audit or investigation; considers the Report of the director general on the work and expenses of ISABiH and analyses in particular the spending of budgetary funds; provides opinion on the ISA BiH budget proposal; considers reports by the chief inspector; request from the ISABiH staff, with the assistance of the chair, to ensure expert advice when required for the purpose of oversight, conduct investigations into the work of ISABiH. The Committee considers also all other relevant matters from the ISABiH scope of competences, in line with the Law on ISA BiH, as well as other separate laws, when such need arises.

The work of the Committee for Security of the National Assembly of Republika Srpska is regulated by articles 66 and 67 of its Rules of Procedure. The Committee considers the state of defence preparedness of Republika Srpska and proposes measures to the National Assembly to establish policies in the area of defence and security, monitors the activities of defence and security institutions and bodies in Republika Srpska to assess the success in attainment of policies; considers requested and submitted information on activities and measures undertaken as per each matter within their scope of work; considers, gives suggestions and opinions on draft laws in the areas of defence and security, as well as other laws pertinent to areas of defence and security; participates in deliberation and adoption of the defence and security budget in Republika Srpska; monitors regularly budget execution in these areas; deliberates the General Audit reports of financial statement of institutions in this area and reports to the National Assembly of Republika Srpska thereof; considers matters from the scope of work of defence and security bodies and institutions, and gives opinions, standpoints and recommendations concerning undertaking certain measures; examines and oversees the legality of the work of defence and security bodies and institutions; considers current issues in the area of security and defence; organises open or closed sessions before the Committee to form standpoints and final proposals for the National Assembly; and informs the National Assembly on the state of affairs and problems in the areas of security and defence which arise in the Committee work and proposes measures for their removal.

### *Macedonia*

The Macedonian Parliament has three bodies dealing with security and defence, as follows: the Committee on Defence and Security, the Committee for Supervising the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency, and the Committee for the Application of Communication Interception Techniques by the Ministry of Interior and the Ministry of Defence.

The Committee on Defence and Security deals with consideration of laws and protection of constitutional order, of the state and civilians; cooperation with relevant international organisations; issues of natu-

ral disasters and other activities in the areas of security and defence. The Rules of Procedure of the Macedonian Parliament stipulate numerous competences: protection of the order stipulated by the Constitution; performing control in the field of defence and security; defence of the country and civil defence; cooperation with collective defence and security systems to which the country has acceded; integration of the country in the Euro-Atlantic structures; protection of the life, personal security and property of the citizens guaranteed with the Constitution; maintenance of the public order; public gatherings and performances; traffic safety; protection against natural and other disasters; as well as other questions concerning the security and defence.

The Committee for Supervising the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency considers issues related to respecting of the freedoms and rights of the citizens, stipulated by Constitution and Law, which fall within the scope of authorities of the Security and Counter - Intelligence Directorate and the Intelligence Agency. The purview of the Committee includes also the scrutiny over the work of the Security and Counter - Intelligence Directorate and the Intelligence Agency, particularly in terms of encroaching their authority, the abuse of authorities and adverse consequences which may be caused by such abuses. The Committee oversees the methods and means used by the Security and Counter - Intelligence Directorate and the Intelligence Agency to conduct their authorities and duties and these services are also obliged to submit to the Committee their financial statements.

The Committee for the Application of Communication Interception Techniques by the Ministry of Interior and the Ministry of Defence considers the matters pertaining to the supervision of the application of the communication interception techniques by these institutions, lawfulness in these procedures, and other issues pertinent to this area. The Committee is obliged to report annually to the Macedonian Parliament, within two months from the beginning of the year for the previous year.

#### *Kosovo*

Kosovo Parliament has three bodies dealing with the security and defence sectors: the Committee on Internal Affairs and Security, the Oversight



## Committee for Kosovo Intelligence Agency and the Oversight Committee for Security Forces of Kosovo.

The Committee on Internal Affairs and Security oversees the implementation of internal security policies and strategies; initiates the adoption of laws and other acts pertaining to the area of security and interior; initiates bilateral and multilateral agreements pertaining to regional and wider security-related cooperation and protection against organised crime and terrorism. This parliamentary body is also in charge of overseeing the operation of the Kosovo Ministry of Interior, including its financial performance, as well as for imposing disciplinary measures to police officers who have abused or overstepped authorities.

The Oversight Committee for Kosovo Intelligence Agency is responsible to oversee the legality of the work of Kosovo Intelligence Agency and consider and adopt its budget. The Committee is competent to consider the report of the Prime Minister of Kosovo referring to authorities and his links with KIA, the report of the KIA director and the Chief Inspector. The Committee performs its authorities in line with the KIA Law <sup>26</sup>.

The purview of the Oversight Committee for Security Forces of Kosovo includes consideration of strategies, policies, acts and documents submitted to the Parliament by the Government. In addition, the Committee may request the presence of the Commander of Armed Forces, the Defence Minister or Standing Secretary to the Ministry when hearing reports on the work of the Ministry in order to respond on the spot to questions posed. The Committee considers financial proposals related to security forces of Kosovo, both the draft budget and additional funds needed for the equipment and missions.

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<sup>26</sup> Article 36 of the KIA Law stipulates: "36.1. The parliamentary oversight body shall hold at least one semi-annual session; 36.2. The chair of the parliamentary oversight body may not be a member of the governing party or coalition; 36.3. The chair of the parliamentary oversight body shall convene a session at own initiative; 36.4. The chair of the parliamentary oversight body is obliged to convene a session of the parliamentary oversight body upon receiving the written request to that effect signed by one third of the members of the parliamentary oversight body, in line with the applicable Rules of Procedure; 36.5. the interactions between KIA and the parliamentary oversight body shall be closed for the public, unless the chair of the parliamentary oversight body stipulates otherwise, at his discretion, or at the proposal and majority vote of the parliamentary oversight body members; 36.6. The parliamentary oversight body shall be responsible for: (i) overseeing the legality of KIA's work; (ii) considering Prime Minister's reports on matters within the competencies, including measures undertaken to rectify problems in KIA detected during inspection, audit or investigation; (iii) considering report of KIA's director concerning KIA operations and tasks; (iv) considering Chief Inspector's report; (v) providing opinion on proposed detailed KIA budget; and (vi) conduct investigations regarding KIA work."

## 6. ACTIVITIES OF PARLIAMENTARY BODIES OVERSEEING THE SECURITY AND DEFENCE SECTOR

This chapter features the information on activities of parliamentary bodies in the region overseeing the security and defence sectors.

The chapter does not include information on Slovenia, since all the data are available only in Slovenian language. In case of Macedonia and Kosovo, there is not enough available information on the work of the respective bodies, especially given that a number of sessions was closed for the public.

The bulk of information presented here refers to the work of the Montenegrin Defence and Security Committee, since MANS was directly observing its work by directly attending the sessions open for the public.

### 6.1. Montenegro

During the 24th Parliament of Montenegro<sup>27</sup>, the Defence and Security Committee had the total of 26 sessions.

#### *Legislative activities*

Over the period observed, the Defence and Security Committee considered over 10 draft laws and other pieces of legislation, as well as amendments sponsored by MPs.

#### *Control hearings and other oversight activities*

The Committee held a number of sessions dedicated to control hearings, all closed for the public. In December 2009, the Committee held the first control hearing of the 24th Parliament. On the occasion, the then NSA director<sup>28</sup> was heard as per the allegations of a retired police inspector<sup>29</sup> that his life was threatened by that institution. The Committee passed a number of conclusions in this specific case, inviting

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<sup>27</sup> This Parliament formally started with the first session held on 23 April 2009 following the parliamentary elections held on 29 March 2009.

<sup>28</sup> Duško Marković, now Deputy Prime Minister and Minister of Justice.

<sup>29</sup> Slobodan Pejović.

the retired police inspector to present the information he holds to the institutions that he trusts, and at the same time inviting the institutions to shed light on this as a matter of urgency. There is no information available whether the Committee has done anything to pursue these conclusions, nor whether it monitored the implementation of conclusions by respective institutions.

One Committee session<sup>30</sup> was dedicated to gathering information from the Police Director, Veselin Veljović, concerning the incident involving the Mayor of Podgorica<sup>31</sup> and the team of the daily “Vijesti”. This session was closed for the public, and there is no information available whether the Committee has made any conclusions in this case.

In July 2010 the Committee considered the initiative to hold a control hearing of the NSA Director and Police Director concerning the actions taken by the security structures against the opposition MPs, members of the NGO sector and journalists for publication of the footage from Safet Kalić’s wedding<sup>32</sup>. Since in the meantime there has been a change at the head of the National Security Agency and the new director was appointed<sup>33</sup> at the very moment when this topic was due for discussion, the NSA was requested to provide to the Committee the information related to the matters presented in the initiative launched by the opposition MPs. The Committee members received the report in September 2010, but it has not been considered yet.

### *Reports of institutions*

The Committee has considered two reports each of the Police Directorate, the NSA and the Ministry of Defence. In each case, the Committee proposed to the Parliament to adopt the reports considered<sup>34</sup>.

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<sup>30</sup> Sixth Committee session, held on 20 October 2009.

<sup>31</sup> Miomir Mugoša, also an MP

<sup>32</sup> Safet Kalić was recognised by NSA as a person of security interest, while according to the writings of many media he was designated as a leader of the narco-cartel engaging in heroin trafficking. In 2010, footage of his wedding was posted on the YouTube, dating back from 2001, and the footage shows that the wedding was attended by present high-ranking officials of Police Directorate and NSA. After the footage was released, and after MANS asked this case to be investigated, it came to our knowledge that NSA was collecting information on MANS team leaders, as subsequently confirmed by the NSA in writing. Afterwards, the members of opposition parties and independent media expressed their doubts of being surveilled and wiretapped by NSA. More information at [www.mans.co.me](http://www.mans.co.me)

<sup>33</sup> Vladan Joković was selected.

<sup>34</sup> The reports of the Police Directorate and the NSA were adopted. Given that the Parliament is not authorised to adopt the reports of the Ministry of Defence, but only to pass conclusions at the proposal of the Security and Defence Committee, it has been done twice, each time the MoD’s report being assessed as acceptable.

At its 15th session<sup>35</sup>, the Committee members considered special reports of Police Directorate and the Ministry of Interior referring to Šarić case and the police operation Balkan Warrior<sup>36</sup>, and received from the Ministry of Interior<sup>37</sup> and the Police Director the required information on activities undertaken in that case. At the same session, a decision was made to hold a control hearing of directors of the NSA and the Anti Money Laundering and Terrorism Financing (AMLTF) Administration<sup>38</sup>. At its 16th session the Committee adopted two conclusions stating that good coordination among the bodies involved was missing<sup>39</sup>, and an invitation was extended to competent bodies to take appropriate measures to remove failings surrounding the case. It was only nine months afterwards that the next Committee session was held dedicated to consideration of the prior conclusions. At this session the Committee passed new conclusions requesting a report on the implementation of conclusions adopted at the 16th Committee session<sup>40</sup> to be submitted.

### *Activity Report of the Committee*

In September 2010 the Committee published its Activity Report for the duration of the 24th Parliament. This report was supported by all MP Clubs in Montenegrin Parliament, and thus is considered approved.

### *Relieving of duty to keep secret*

In October 2010, the Committee passed the decision relieving the former President of the Republic of Montenegro<sup>41</sup> of the duty to keep secret the data from documents of Montenegro before the High Court in Podgorica concerning the case of deportation of Muslims and Bosniacs during the war conflicts in former Yugoslavia.

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<sup>35</sup> Held on 18 February 2010.

<sup>36</sup> More information on the operation itself is available at print and electronic media portals in Montenegro and the countries of the region.

<sup>37</sup> Ivan Brajović

<sup>38</sup> Predrag Mitrović.

<sup>39</sup> Police Directorate, NSA and AMLTF Administration.

<sup>40</sup> From February 2010.

<sup>41</sup> Momir Bulatović

## 6.2. Serbia

The Committee on Defence and Security held 28 sessions in 2009 and 2010.

### *Legislative activities*

The Committee on Defence and Security considered over 30 draft laws, as well as the National Security Strategy and the Defence Strategy of the Republic of Serbia. Moreover, the Committee supported the signing of a number of bilateral agreements related to anti corruption, organised crime and terrorist by the state of Serbia.

### *Control hearings and other oversight activities*

On several occasions the Committee members visited security agencies. The Committee requested from the parliament's chancellery a comparative analysis of committees dealing with security and defence in the region.

In March 2010 the Committee held a hearing concerning the activities of competent authorities to combat organised crime inviting the Minister of Interior, the Police Director, the Security and Information Agency's director, as well as the Minister of Justice and the State Secretary from the Ministry of Justice.

In addition, the Committee considered the assault on the MP Velimir Ilić in the form of a debate attended by the Minister of Interior, Police Director, Head of Police Directorate and members of Security and Intelligence Agency (BIA) of the Republic of Serbia. This parliamentary body also held a number of hearings attended by the representatives of Serbian Ministry of Interior.

The Committee also held a session dedicated to incidents taking place in the plenary hall of the National Assembly threatening the security of MPs, and adopted on the occasion the conclusions inviting the security service of the Assembly to perform more thorough search of persons

entering the National Assembly building. In 2010 a special session was held to consider the situation regarding the disorder surrounding the Gay Pride in Serbia.

In March 2009, the Committee passed the decision that the oversight function over BIA was jeopardised for the failure of the head of the institution to appear before the Committee, and they decided to inform the Speaker of the National Assembly and the President of the Republic of Serbia thereof.

### *Reports of institutions*

The Committee on Defence and Security dedicated the largest share of its sessions to consideration of reports submitted by BIA, the Military Security Agency and Military Intelligence Agency. Based on them, the Committee passed special conclusions on the state of security within the country.

### *Consideration of civic petitions*

Over the period observed the Committee has not received any civic complaints and petitions although, as envisaged by the Rules of Procedure, this body may consider such petitions.

## **6.3. Croatia**

### **6.3.1. Domestic Policy and National Security Committee**

The Domestic Policy and National Security Committee held the total of 35 sessions in 2009 and 2010.

### *Legislative activities*

Over the period observed, the Domestic Policy and the National Security Committee considered over 40 draft laws and other acts pertinent to this area.

This parliamentary body also adopted the Work Programme for the Council for Civic Oversight of Security and Intelligence agencies, as well as the National Anti-Mine Programme.

#### *Control hearings and other oversight activities*

The information from the Committee session pertaining to its oversight function is not accessible to the public since designated as classified.

#### *Reports of Institutions*

Over the period observed, the Domestic Policy and the National Security Committee considered the annual reports of the Office of the National Security Council, Security and Intelligence Agency and Military Security and Intelligence Agency, but the details of such reports are not publicly available.

The Committee considered the state prosecution reports, the report of the National Council for Monitoring the Anticorruption Strategy, as well as the report on the implementation of the national strategy and action plan to combat narcotics.

#### *Relieving of duty to keep secret*

In two cases the Committee passed the decision to remove the designation of secrecy from 2007 and 2008 audit reports.

#### *Consideration of civic petitions*

As envisaged by the Rules of Procedure of the Croatian Parliament, the Domestic Policy and National Security acted as per one civic petition referring to wiretapping by security services of the Republic of Croatia. No detailed information is available to the public.

### 6.3.2. Defence Committee

In 2009 and 2010, the Defence Committee held 25 sessions.

#### *Legislative activities*

The bulk of the legislative activities of this parliamentary body referred to consideration of draft acts, adopted by the Croatian Parliament, the agreements with NATO and bilateral agreements in the area of defence. Over the period observed, the Committee considered over 25 draft laws and other acts.

#### *Control hearings and other oversight activities*

In 2009, this Committee set up an Investigation Committee that conducted parliamentary investigation concerning the procurement of 39 military vehicles by the Ministry of Defence of the Republic of Croatia.

#### *Reports of institutions*

The Committee considered a large number of reports on participation of Croatian soldiers to peace-keeping missions, submitted annually to the Committee. In addition, the Committee considered also the annual reports on readiness of the defence system of the Republic of Croatia, and the state of affairs in the defence system.

#### *Consideration of civic petitions*

The Domestic Policy and National Security Committee acted in a number of situations as per petitions filed by members of the civil society, as well as per allegations published in the media regarding wire tapping and other activities related to the work of security sector institutions. The deliberations on these issues were closed for the public, and thus there is no publicly available information on the results of such discussions.



## 6.4. Slovenia

We are unable to present the data on the working bodies of the Slovenian Parliament given their availability in Slovenian language only.

## 6.5. Bosnia and Herzegovina

### 6.5.1. Joint Committee for Defence and Security of BiH

The Joint Committee for Defence and Security held 29 sessions in 2009 and 2010.

#### *Legislative activities*

In 2009 and 2010, the Committee considered over 30 draft laws and other acts.

The Committee discussed the Rules of Procedure of the Committee for Civic Petitions concerning the Work of Police Officers and the Independent Board, as an independent body of police structures within the Parliamentary Assembly of BiH, as well as the Rules of Procedure of the Parliamentary Military Commissioner of BiH.

#### *Control hearings and other oversight activities*

As a part of its oversight function, the Committee asked on several occasions to be provided with information by the responsible ministries regarding the Operation Svjetlost, as well as concerning the terrorist attack in Bugojno in June last year. When considering the information on the Operation Svjetlost, the Committee adopted relevant conclusions.

As for the terrorist attack in Bugojno, the Committee adopted the conclusions in support of the measures to suppress such terrorist attacks, and proposed to the Parliamentary Assembly to adopt more specific conclusions to refer to measures that need to be undertaken to remove the terrorist threat.

The Committee members on several occasions initiated visits to the institutions they oversee to verify in the field whether there are any problems in their work or the work of their staff.

## *Reports of Institutions*

In 2009 and 2010, the Committee considered the activity reports of the Ministry of Defence, as well as the ones provided by the Council of Ministers, within the scope of competences of the Committee for Defence and Security of BiH. The Committee considered the information concerning the demilitarisation of weapons and ammunition, designated as “confidential”, as well as the reports of the participation of Armed Forces to the peace-supporting operations.

Moreover, the Committee considered the reports submitted by the security agencies of Bosnia and Herzegovina, primarily the State Investigation and Protection Agency (SIPA), as well as the Executive Directorate of the Antiterrorism Committee.

The Committee considered the activity reports submitted by the Committee for Civic Petitions on the Work of Police Officers, the Independent Committee and the Parliamentary Military Commissioner.

## *Activity report of the Committee*

The Committee adopted its 2009 Activity Report. The Reports give an overview of activities, both of the Committee as a whole, and its each member.

## *Cooperation with other bodies and organisations*

The Committee held regular working meetings with domestic and international organisations, and took part in many conferences in the country and abroad.

### 6.5.2. Joint Committee on Oversight over the Intelligence-Security Agency of BiH

The Joint Committee on Oversight over the Intelligence-Security Agency of BiH held 21 sessions in 2009 and 2010.

#### *Legislative activities*

The Law on Intelligence-Security Agency of BiH (ISA BiH) stipulates that the Committee should have at least two sessions a year. This parliamentary body considered just a couple of draft laws, and some other acts related to the security sector.

#### *Reports of institutions*

The Committee considered reports submitted by ISA BiH in line with the law, as well as the reports submitted at Committee's request. In addition, the Committee considered the reports submitted by the Ministry of Defence, related to access to secret data, as well as the complaints received concerning the work of ISA BiH.

#### *Activity report of the Committee*

The Committee adopted its 2009 Activity Reports. The reports give an overview of activities, both of the Committee as a whole, and its each member.

#### *Consideration of civic petitions*

The Committee considered the petitions against ISA BiH submitted by citizens. Given that the Law envisages that the Committee sessions are closed for the public, it is not possible to obtain more detailed information on the number of petitions filed, nor the results of Committee actions.

### 6.5.3. Committee for Security of Republika Srpska

The Committee for Security of Republika Srpska held 19 sessions in 2009 and 2010.

#### *Legislative activities*

The Committee considered some 10 draft laws and other acts and forwarded them to the National Assembly of Republika Srpska for adoption.

#### *Reports of institutions*

The Committee dedicated several sessions to the consideration of reports of various institutions active in security and defence sectors<sup>42</sup>. Over the period observed, the Committee considered the reports submitted semi-annually and annually by the Ministry of Interior of Republika Srpska, the report on cooperation of various institutions of Republika Srpska with the International Criminal Tribunal for Former Yugoslavia (ICTY) and the Report concerning the work of the Bureau for Civic Complaints and Petitions, submitted quarterly.

#### *Cooperation with other bodies and organisations*

The members of the Committee for Security held joint sessions with the members of the Committee on Defence and Security of the Republic of Serbia, the Joint Committee for Defence and Security of BiH and Joint Committee on Oversight over the Intelligence-Security Agency of BiH.

Pursuant to the Law on Parliamentary Oversight in the Area of Defence and Security, the Committee visited the Ministry of Interior, and, in addition, the Committee also cooperated with the representatives of NGOs, foundations and associations of citizens, who attended the sessions of this Committee on several occasions.

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<sup>42</sup> The reports considered include semiannual and annual reports of the Ministry of Interior of Republika Srpska; the report on cooperation of various institutions of Republika Srpska with the International Criminal Tribunal for Former Yugoslavia (ICTY) and the Report concerning the work of the Bureau for Civic Complaints and Petitions, submitted quarterly.

## 6.6. Macedonia

### 6.6.1. Committee on Defence and Security

The Committee on Defence and Security held 19 sessions in 2009 and 2010.

#### *Legislative activity*

The Committee considered over 20 draft laws and other acts, some of which referred to the organisational set up of the Macedonian Army. Within the discussions held at the sessions of this Committee, several decisions were adopted to send troupes to peace-keeping mission in Afghanistan, Lebanon and Bosnia and Herzegovina.

### 6.6.2. Committee for Supervising the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency

The Committee for Supervising the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency, according to the data available to the public<sup>43</sup>, held only one session in 2009 and 2010.

#### *Reports of institutions*

The session held by this Committee within the period observed, as indicated by the information available, was dedicated to consideration of the reports of the Intelligence Agency, the Security and Counter-Intelligence Directorate of Macedonia, and the Committee for Supervising the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency. More detailed information is not available.

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<sup>43</sup> The website of the Macedonian Parliament provides information on one session only held within the period observed.

### 6.6.3. Committee for the Application of Communication Interception Techniques by the Ministry of Interior and the Ministry of Defence

The Committee for the Application of Communication Interception Techniques by the Ministry of Interior and the Ministry of Defence held two sessions.

#### *Legislative activities*

The Committee adopted only one draft act, according to the information available to the public<sup>44</sup>.

#### *Activity report of the Committee*

Over the period observed, the Committee considered and adopted its 2009 Activity Report.

## 6.7. Kosovo

### 6.7.1. Committee on Internal Affairs and Security

The Committee on Internal Affairs and Security held 36 sessions in 2009 and 2010.

#### *Legislative activities*

Over the period observed, the Committee considered over 15 draft laws and other acts. In addition, it considered the Draft Anticorruption Strategy 2009-2011.

#### *Control hearings and other oversight activities*

The Committee members held several sessions discussing current matters with the Kosovo Minister of Interior. One of such sessions was dedicated to consideration of information on theft taking place within the

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<sup>44</sup> No detailed information available on the work of this parliamentary body.

Kosovo Police, in the Department against Organised Crime. In addition, in 2010 the strike within the Kosovo Police was discussed.

### *Reports of institutions*

Over the period observed, this body considered the reports submitted by the Ministry of Defence on the state of affairs and current situation in the area of security and defence in Kosovo.

### *Activity report of the Committee itself*

The Committee considered activity reports during the spring session in 2009 and the annual activity report for 2009.

#### **6.7.2. Oversight Committee for Security Forces of Kosovo**

In 2009 and 2010 the Oversight Committee for Security Forces of Kosovo held 3 sessions.

### *Legislative activities*

Over the period observed, the Committee adopted the relevant documents concerning the constitution of this parliamentary body, its work plan and scope of activities.

### *Control hearings and other oversight activities*

One session was dedicated to considering the information on the state of security forces of Kosovo. This session was attended by the Minister of Defence who presented the plan for the development of Kosovo security forces, to be modelled as in NATO member countries.

#### **6.7.3. Oversight Committee for Kosovo Intelligence Agency**

There are no data available on the work of the Oversight Committee for Kosovo Intelligence Agency.

## 7. ACCESS TO DATA OF PARLIAMENTARY BODIES OVERSEEING THE SECURITY AND DEFENCE SECTOR

The Parliamentary Assembly of BiH posts on its website the reports from parliamentary body sessions, as is done by the Kosovo Parliament, posting also the conclusions adopted at such sessions.

Slovenia and Macedonia have the best practices of all the countries in the region, since they publish transcripts from all committee session, containing the relevant information of their work.

The experiences of other countries show that the transparency of the work of the relevant Montenegrin parliamentary committee could be greatly improved by publishing the minutes from sessions now considered secret and by introducing the practice of compiling and publishing transcripts from such sessions.

Available information	Country						
	Montenegro	Serbia	Croatia	Slovenia	BiH	Macedonia	Kosovo
Minutes	NO	NO	NO	NO	YES	NO	YES
Reports from sessions	YES	YES	YES	YES	YES	YES	NO
Transcripts from sessions	NO	NO	NO	YES	NO	YES	NO
Annual reports	YES	NO	NO	*	YES	NE	NO
Information on conclusions	YES	YES	YES	*	YES	YES	YES
Information on other activities within the country	YES	NE	YES	*	YES	*	NO
Information on international activities	YES	NE	YES	*	YES	*	NO

\* No information available

*Table 3: Availability of information on the work of parliamentary bodies overseeing the security and defence sectors in the region*



## *Montenegro*

Invoking the Free Access to Information Law, on 22 September 2010 MANS requested from the parliamentary Defence and Security Committee copies of documents related to the activities of Committee members, as well as copies of documents the Committee received from the Police Directorate, the National Security Agency and NATO.

The Parliament of Montenegro informed us that the requested data are classified and thus could not be delivered, although the Law envisaged that the information regarded as state secret may be published after the deletion of the part of information which is classified, even if it leaves the date of sessions and the attendants as the only publicly available information<sup>45</sup>.

The MANS representatives were allowed inspection<sup>46</sup> of those documents<sup>47</sup> which are not classified. We have not been provided with copies as requested and as stipulated by the Free Access to Information Law. The Parliament justified it by not being able to provide copies due to their volume. The Parliament's response also states that "at closed sessions of the Security and Defence Committee discussion is held regarding the data which are classified according to the Law on Secret Data, and thus the minutes kept of such sessions are also regarded as such" and it also stated that MANS request for documents submitted by NATO to the Committee is declined given that no such documents were received.

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<sup>45</sup> Article 13 of the Free Access to Information Law: Access to any information filed with a government agency may be exercised through: 1) direct inspection of public records or the original or a copy of such information, within the premises of the government agency; 2) transcribing such information by the person that submitted the request for such information, within the premises of the government agency; 3) transcribing, photocopying or translating such information by any government agency, whereupon such information shall be delivered in the form of a transcript or a photocopy or a translation to the applicant, directly or by mail or e-mail. If any part of information is restricted, relevant government agency shall enable access to the information after deleting the part of such information that is restricted. Any part of information that is restricted shall be marked by indication "deletion completed", whereas the notification of the extent of such deletion shall be indicated as well. The text of information must not be destroyed or scratched by any such deletion. Access to the information, a part of which was deleted, shall be exercised in the manner provided for by item 3 in paragraph 1 of this Article.

<sup>46</sup> The inspection of documents pertinent to the Security and Defence Committee was done on 6 October 2010.

<sup>47</sup> The information on the activities of the Security and Defence Committee, the Activity Report of the Police Directorate, the information provided by the Ministry of Defence on participation of Montenegrin troupes to peace-keeping missions, the reports of the Ministry of Defence, civic petitions sent to the Committee and reports of visits to state bodies in the security sector.

The Parliament's website features the Activity Reports of the Defence and Security Committee, published after each session of the Committee, as well as the report of the 24th Parliament on the work of this Committee. Moreover, the Parliament's website also features minutes from sessions open for the public, containing detailed information, including the session duration, MPs and guests in attendance, details of deliberations, as well as conclusions and recommendations made and opinions given.

### *Serbia*

As for access to documents of the Committee on Security and Defence of the Parliamentary Assembly of the Republic of Serbia, the assembly's website features reports from all Committee sessions.

In addition to reports, the Assembly also posts full reports pertaining to the work of all parliamentary bodies, including the Committee on Security and Defence. These reports contain basic information on who chaired the session, the topics deliberated, and the conclusions made at the session.

The website also features a number of documents prepared by the Division for Information, Research and Library Activities. Among these, some surveys of the security and defence sectors may also be found, the first being the 2008 survey on parliamentary oversight in the security and defence sectors. Apart from the analysis of the oversight function of the National Assembly of Serbia, it contains also a brief comparative overview of other countries.

### *Croatia*

The website of the Croatian Parliament features information related to all sessions of parliamentary bodies in the area of security, with the exception of the ones from closed sessions.

The reports from sessions provide details on matters discussed, and the conclusions adopted.

In addition to information from sessions, the website also features information on other activities of the working body.

### *Slovenia*

The information available at the Slovenian Parliament's website refers to sessions of bodies in the area of security and defence.

The reports, as well as transcripts, from such sessions are available on the website, but only in Slovenian. Nevertheless, it may be seen that they contain information on the session duration, MPs in attendance and topics discussed.

### *Bosnia and Herzegovina*

The documents publicly available, pertinent to the parliamentary bodies in the area of security and defence, include minutes from sessions, as well as reports on other activities of their members. The reports contain detailed information on the session duration, the MPs in attendance, the agenda as well as the session outcome, decisions and conclusions made.

The website also offers on-line form of the free access to information application in line with the BiH Free Access to Information Law. The website also features annual reports of parliamentary bodies in the area of security containing the overview of activities of the committee as a whole, and of individual members.

It is noteworthy that MANS contacted the chancellery of the Parliamentary Assembly requesting information needed for the survey, and full material with all the requested data was complied and delivered to us within the span a few days only.

The website of the National Assembly of Republika Srpska does not have information on the work of the Committee for Security. MANS approached the Assembly requesting access to information, and all requested information on the work of the Security Committee was delivered within six days.

## *Macedonia*

As for the Macedonian Parliament, the website features information related to the sessions of the parliamentary bodies dealing with security matters, but it is available only in Macedonian. Such reports contain the data on the items on the agenda, while transcripts give full information on the topics discussed.

Gathering information relevant for this survey, MANS contacted the secretaries to the relevant committees who provided us with some of the information requested for compilation of this report.

## *Kosovo*

The documents available on the work of the bodies within the Kosovo Parliament contain minutes from their sessions, including the minutes from the sessions of the Committee on Internal Affairs and Security and the Oversight Committee for Security Forces of Kosovo, while the information concerning the Oversight Committee for Kosovo Intelligence Agency was not available on the website. The reports available contain information on the duration of sessions, MPs in attendance, the agenda and topics discussed.

